

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

FLOYD ALLEN JENKINS,	)	
Plaintiff,	)	
v.	)	Case No.: 3:10-0705
	)	JUDGE NIXON
	)	MAGISTRATE JUDGE KNOWLES
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
Defendant.	)	

**JOINT MOTION FOR AWARD OF ATTORNEY'S FEES UNDER THE  
EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412**

The parties herein agree and respectfully move the Court to find an award of attorney's fees is appropriate under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 in this case.

Wherefore, the parties request that this motion be granted allowing attorney's fees at a rate of \$159.00 per hour in the amount of \$3,500.00 to be charged against Defendant in this action. Pursuant to Astrue v. Ratliff, 130 S.Ct. 2521 (2010), the Supreme Court held that a prevailing party for purposes of an EAJA award is the litigant, not the litigant's attorney. Therefore, payment will be payable only to "Floyd Allen Jenkins" and will be sent to the attention of Plaintiff's counsel, Julie Atkins at her office address.

By this agreement, Plaintiff's Motion for Attorney's Fees is rendered moot (Docket No. 28).

Dated this 17<sup>th</sup> day of February 2011.

Respectfully submitted,

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Middle District of Tennessee

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s/ Julie Atkins (with permission)  
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Granted  
JRM